

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

11 PERFECT 10, INC., a California
12 corporation,

13 Plaintiff,

14 vs.

15 GIGANEWS, INC., a Texas
16 corporation; LIVEWIRE SERVICES,
1 INC., a Nevada corporation; and DOES
1 through 100, inclusive,

17 Defendants.

18 GIGANEWS, INC., a Texas
19 corporation; LIVEWIRE SERVICES,
20 INC., a Nevada corporation; and DOES
1 through 100, inclusive,

21 Counter-claimants,

22 vs.

23 PERFECT 10, INC., a California
24 corporation,

25 Counter-defendant.

11 CASE NO. 2:11-CV-07098-ABC-SH

DISCOVERY MATTER

Before Hon. Stephen J. Hillman

**[PROPOSED] ORDER GRANTING
PLAINTIFF PERFECT 10, INC.'S
MOTION FOR SANCTIONS
PURSUANT TO FED. R. CIV. P.
37(B) FOR FAILURE TO COMPLY
WITH A COURT ORDER**

Date: August 18, 2014

Time: 2:00 P.M.

Courtroom: 550

Discovery Cut-off: June 30, 2014

Pretrial Conference: January 19, 2015

Trial Date: January 27, 2015

[PROPOSED] ORDER

This matter is before the Court on Plaintiff Perfect 10, Inc.’s (“Perfect 10”) Motion For Sanctions Pursuant to Fed. R. Civ. P. 37(B) for Defendant Giganews, Inc.’s (“Giganews”) Failure to Comply with a Court Order (the “Motion”).

Having reviewed the parties' submissions and finding good cause therefor, the Motion is hereby **GRANTED** as follows:

1. Giganews shall provide Perfect 10 with a disk which contains a complete set of the image files and their associated text files for its productions to date.

2. Giganews shall provide Perfect 10 with the real names and addresses of the persons with the fictitious email addresses listed in Perfect 10's Interrogatory Nos. 1 and 2 propounded by Perfect 10 to Giganews and match each real name to each purported email address.

3. Giganews shall provide Perfect 10 with the real names and addresses of the persons who uploaded the material associated with the Message-IDs listed within Interrogatory No. 3 propounded by Perfect 10 to Giganews.

4. Perfect 10 shall be permitted to take an additional deposition of Giganews pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure.

5. Giganews shall pay to Perfect 10 the sum of \$2,000 to cover the attorneys' fees incurred by Perfect 10 in connection with the Motion and an additional sum of \$5,000 to cover the attorneys' fees associated with the additional deposition pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure.

6. Giganews shall comply with Paragraphs 1 through 3 and Paragraph 5 of this Order within fourteen (14) days of this Court's entry of this Order.

IT IS SO ORDERED.

DATED:

By

HONORABLE STEPHEN J. HILLMAN
United States Magistrate Judge